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September 28, 2006

Ms. Penny Coleman
Acting General Counsel
National Indian Gaming Commission
Suite 9100, 1441 L Street
Washington DC 20005

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GAMING COMMISSION
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Re: Comments On Class II Classification Standards as published in the Federal Register on May 25, 2006.

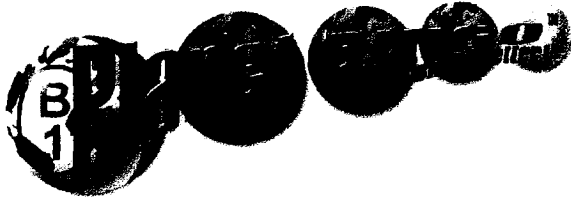
Dear Ms. Coleman:

Please accept our comments on the proposed classification standards for Class II games as published in the Federal Register on May 25, 2006.

We were surprised to see that much of the previous work and discussions on the draft standards had effectively been dismissed in the version that was published on May 25th.

We have a number of concerns with the proposed standards.

First, the proposed standards prevent electronic aids to session bingo from being played in a purely electronic medium, unless they conform to the restrictions being imposed on Class II 'machines.' We believe that this separation is erroneous: Class II bingo is Class II bingo as defined in the IGRA no matter what medium it is played in, as long as the game does not become a 'facsimile' of a bingo game. While this distinction is critical, it also based on games that operate beyond the scope of the IGRA Class II criteria, and we strongly believe that restricting the displays or ball call times and otherwise mandating specific parameters on electronic bingo aids is untenable and unnecessary.



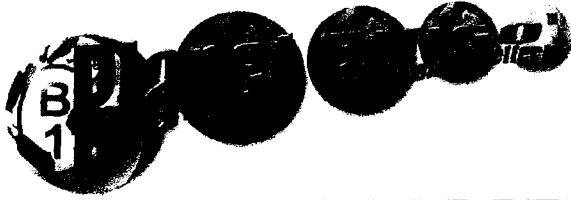
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Please note that there are thousands of electronic bingo aids being used in session bingo. These aids to the game of bingo are in some cases replacing paper bingo, just as paper bingo replaced shuttercards and shuttercards replaced hardcards and beans. The aids are a medium through which bingo is played, just as paper bingo cards are a medium through which bingo is played. The industry is in a period of intense evolution from paper bingo cards toward electronic bingo cards, and this is a natural and necessary progression.

In the proposed standards, this evolutionary imperative is severely obstructed. For example, electronic bingo handsets, thousands of which are used in session bingo play today, are not designed to act as a networked 'Class II machine' housed in a slot-cabinet, and few if any of these handsets would be able to conform to the specifications applied to such machines. The proposed standards make all such aids, when played in a purely electronic medium, subject to restrictions and parameters that were promulgated to deal with 'slot machine-like' Class II devices.

In previous comments we proposed language to handle this area. That language said "A 'card minding device' is any electronic or electromechanical device that may assist a player in a game of bingo that could be played with paper cards to identify and monitor multiple bingo cards used by that player in the game. The device electronically stores bingo cards purchased by the player, provides a means for players to input numbers or other designations when those numbers or other designations are drawn or electronically determined as they would be in a paper bingo game, compares the number or other designation input by the player to bingo cards in the electronic storage of the device, and identifies to the player those electronically stored bingo cards that contain the number or other designation input made by the player. The card minding device may be used as an electronic medium for games that cannot be played on paper-bingo cards if it complies with Section 3 of these (*previous*) classifications."

We feel this proposed language takes care of the requirements for bingo card minders and provides a reasonable standard for their use in tribal bingo.



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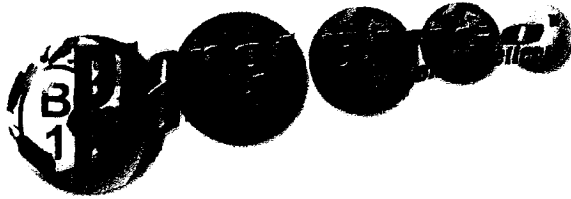
Second, we would also add to this that bingo card minders would not use an alternative display and would merely show bingo cards and the numbers or other designations drawn to determine the outcome of the bingo games on a flashboard style display, singly as they are drawn and also mark these numbers or designations on the electronic bingo cards in the memory of the device and display that information to the players as well as identify for a player when he or she had a bingo. The player would still have to claim the bingo for it to be valid.

Third, we feel that the requirement for two or more players to be competing for a specific pattern on cards sold in a common game, which includes a common ball draw for the game, whether that ball draw is from a blower with balls or in an electronic form and with a winner in every game is a very realistic standard for determining when a game of bingo is occurring.

Fourth, these standards would effectively take games away from tribal session bingo that have been used without issue for many years and that are played in most of the state jurisdictions around the country. These games are Bonanza style games utilizing pre-drawn numbers.

These games are widely used throughout the bingo industry in the United States and Canada and are enjoyed by the players and expected as a part of their entertainment experience in bingo.

On Bonanza style games, we believe the current method of play does conform with the requirements of IGRA in that cards are sold to players when they purchase their cards for all of the games. An announcement is made to the players when the Bonanza numbers are drawn and the players daub or cover those numbers as they are drawn. After the first group or set of numbers is drawn, called and daubed, play is suspended to allow players to trade cards in that they do not want to play and obtain new cards for a reduced price before the drawing of numbers is resumed. Players may also purchase additional cards for the Bonanza game while the drawing of numbers is suspended and then just prior to the time the final group of



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numbers is drawn, all card sales are stopped and the drawing process is resumed with the players daubing or covering the numbers on their cards as they are drawn until a winner is determined for the game.

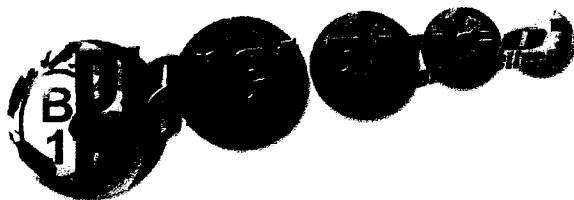
This entire process is secure as all of the paper cards that are sold for Bonanza games are sealed so no one can see the numbers on the cards and in the electronic medium, the cards are not visible to anyone until they are sold.

The purpose of playing the Bonanza games in this manner is to create additional sales for the games, increasing prizes to players and profits to the tribal operators.

Along the same lines, we also want to note that we believe that “U-Pick’em” games clearly conform to the requirements of Class II bingo games under the IGRA. In U-Pick’em games, the bingo player can select their own numbers, usually seven, eight, or nine number combinations, which are then marked or placed electronically on a card. The U-Pick game is usually a single game within the bingo sessions, and balls for this game are called normally, with the players cover their selected numbers on their cards until a winner is declared.

The possible elimination of these games from session bingo, as could be implied from the proposed Class II Classification standards will have a serious financial impact on the session bingo operations of the tribes. It will also create a situation where state regulated bingo operations could offer games the tribes could not, which appears to be in conflict with the language in the Federal Indian Gaming Regulatory Act of 1988 (IGRA.), previous enforcement of that legislation, including decisions in a number of cases in the federal courts since IGRA was passed.

Fifth, the elimination of 90 number bingo as a recognized game of bingo is mystifying. The 90 number style bingo game is used throughout the world and is the most recognized form of bingo on the planet. It has a much wider following in the world than any other form of bingo.



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The Hispanic population particularly identifies with 90 number bingo and with a significant section of the United States population being Hispanic, this is a cultural issue for that segment of the population.

In summary, we feel the Commission needs to further refine the definitions and intent for these regulations and to draw on all of the work and discussions that were involved with drafting the previous proposed versions of these standards, as well as the testimony given at the hearing on September 19, 2006 in Washington, D.C. and the yet to be completed economic impact study the Commission has started to reach a final form that will provide the effective and fair regulation that has been sought by everyone in this process.

We believe that long established forms of bingo, when played as a part of regular session bingo in a tribal facility, should be allowed to continue and that the regulation of electronic facsimiles should concentrate on internal control standards for the games that will ensure the integrity of all bingo games relative to the criteria spelled out in the IGRA.

We look forward to the opportunity to discuss our comments at anytime, and to participate in further discussions or hearings to try to develop a set of standards that reflect a workable solution to this issue.

Sincerely,

Rick G. White
Planet Bingo™